

**PLAINTIFF'S
EXHIBIT "A"**
**TRAFFIC CRASH
WARNING TO MOTORIST**

 TRAFFIC CITATION NO.
TM-538-170

 ACCIDENT REPORT NO.
HN-509772

 DATE OF ACCIDENT
05 AUG 07

SUBSEQUENT TO YOUR INVOLVEMENT IN A CRASH INVOLVING EITHER TYPE A PERSONAL INJURY (WHICH INCLUDES SEVERELY BLEEDING WOUNDS, DISTORTED EXTREMITIES, AND INJURIES THAT REQUIRE THE INJURED PARTY TO BE CARRIED FROM THE SCENE) THAT REQUIRE IMMEDIATE PROFESSIONAL ATTENTION IN EITHER A DOCTOR'S OFFICE OR A MEDICAL FACILITY, OR A FATALITY, AS EVIDENCED BY THE ISSUANCE OF A UNIFORM TRAFFIC TICKET FOR ANY VIOLATION OF THE ILLINOIS VEHICLE CODE OR SIMILAR PROVISIONS OF A LOCAL ORDINANCE WITH THE EXCEPTION OF EQUIPMENT VIOLATIONS CONTAINED IN CHAPTER 12 OF THIS CODE OR SIMILAR PROVISIONS OF LOCAL ORDINANCES AND PURSUANT TO SECTION 11-501.6 OF THE ILLINOIS VEHICLE CODE, YOU ARE HEREBY NOTIFIED AND WARNED THAT

As provided in Section 11-500 of the Illinois Vehicle Code, you are a first offender unless within the last five years of this arrest you have had:

A previous conviction or court assigned supervision for DUI or a similar provision of a local ordinance; or

A conviction in any other state for DUI or a similar offense where the cause of action is the same or substantially similar to the Illinois Vehicle Code; or

A driver's license suspension for violating Section 11-501.1 of the Illinois Vehicle Code, except in cases where you submitted to chemical testing resulting in an alcohol concentration of 0.08 or more on or after July 2, 1997, or 0.10 or more prior to July 2, 1997, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act, and were subsequently found not guilty of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Considering the above, you are warned:

1. If you refuse or fail to complete all chemical tests requested and:
 If you are a first offender, **your driving privileges will be suspended for a minimum of 6 months; or**
 If you are not a first offender, **your driving privileges will be suspended for a minimum of 3 years.**
2. If you submit to a chemical test(s) disclosing an alcohol concentration of 0.08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act and:
 If you are a first offender, **your driving privileges will be suspended for a minimum of 3 months; or**
 If you are not a first offender, **your driving privileges will be suspended for a minimum of one year.**

You are further warned that if you are a Commercial Drivers License holder, your CDL privileges will be disqualified:

1. If you refuse or fail to complete all chemical tests requested and:
 If you are a first offender, your CDL privileges will be disqualified for a minimum of 12 months; **or**
 If you are not a first offender, your CDL privileges will be disqualified for a minimum of **LIFE**.
2. If you submit to a chemical test(s) disclosing an alcohol concentration of 0.08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act and:
 If you are a first offender, your CDL privileges will be disqualified for a minimum of 12 months; **or**
 If you are not a first offender, your CDL privileges will be disqualified for a minimum of **LIFE**.

Warning Issued To

DESMOND, James E
 Name of Motorist

Driver's License Number

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer

13798

Identifying Number

Law Enforcement Agency

CPD 1006

Address

7808 S. HALSTED

Date of Warning

05 AUG 07

Time of Warning

4:15 pm

POLICE OFFICER - GIVE TO MOTORIST

**PLAINTIFF'S
EXHIBIT "B"**

**TRAFFIC CRASH
SWORN REPORT**

TRAFFIC CITATION NO. TM-538-170 ACCIDENT REPORT NO. HN 509,772

DATE OF ACCIDENT 05 AUG 07

Name Desmond James

Last Desmond First James Middle E

☐ CDL J 520 16573015 Driver's License Number IL State

OPERATING: ☐ Commercial Motor Vehicle ☐ Placarded Haz. Mat. Vehicle

Street Address 9838 S. ABERDEEN City and/or County of Arrest CHI / COOK

City & State CHI IL Arrest Date 08 / 05 / 07 Time 2:55 P

Sex M Date of Birth 15 JAN 73 Place of Refusal or Location of Test(s) 7808 S HAISTED

Notice of Suspension Given On 08 / 05 / 07 Ref. or Test Date 09 / 05 / 07 Time 4:38 P

THE SUSPENSION SHALL TAKE EFFECT ON THE 46TH DAY FOLLOWING THE NOTICE DATE OF THE SUSPENSION. BECAUSE OF YOUR INVOLVEMENT IN A PERSONAL INJURY (TYPE A) OR FATAL MOTOR VEHICLE ACCIDENT, AND BY THE ISSUANCE OF A UNIFORM TRAFFIC TICKET FOR ANY VIOLATION OF THE ILLINOIS VEHICLE CODE OR A SIMILAR PROVISION OF A LOCAL ORDINANCE WITH THE EXCEPTION OF EQUIPMENT VIOLATIONS CONTAINED IN CHAPTER 12 OF THE CODE, OR SIMILAR PROVISIONS OF LOCAL ORDINANCES, AND PURSUANT TO SECTION 11-501.6 OF THE ILLINOIS VEHICLE CODE, YOU ARE HEREBY NOTIFIED THAT ON THE DATE SHOWN ABOVE YOU WERE ASKED TO SUBMIT TO A CHEMICAL TEST TO DETERMINE THE ALCOHOL, OTHER DRUG OR DRUGS OR INTOXICATING COMPOUND OR COMPOUNDS OR ANY COMBINATION THEREOF CONTENT OF YOUR BLOOD AND WARNED OF THE CONSEQUENCES:

☒ Because you refused to submit to or failed to complete testing, your driver's license and/or privileges will be suspended for a minimum 6 months.*

☐ Because you submitted to testing which disclosed:

☐ an alcohol concentration of _____, which is 0.08 or more;

☐ any amount of a drug, substance or intoxicating compound in your blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act;

your driving privileges will be suspended for a minimum of 3 months.*

*NOTE: If it is determined that you are not a "first offender," as defined in Section 11-500 of the Illinois Vehicle Code and:

You refused to submit to, or failed to complete, all requested chemical testing, the period of suspension will be a minimum of 3 years; or if

You submitted to chemical testing which resulted in an alcohol concentration of 0.08 or more or any amount of a drug, substance or intoxicating compound resulting from unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the period of suspension will be a minimum of 1 year.

I have complied with Section 11-501.6 of the Illinois Vehicle Code by issuing the Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of local ordinance with the exception of equipment violations contained in Chapter 12 of the Illinois Vehicle Code, or similar provisions of local ordinances, subsequent to a personal injury (Type A) or fatal motor vehicle accident.

CAUSED TRAFFIC ACCIDENT, HAD VERY STRONG ODOR OF ALCOHOL BEVERAGE ON BREATH, BLOOD SHOT EYES & MUMBLED SPEECH

Pursuant to Section 11-501.6 of the Illinois Vehicle Code I have:

☒ Served immediate notice of suspension of driving privileges on the above named person.

☐ Given notice of suspension of driving privileges to the above named person by depositing in the United States mail said notice in an envelope with the postage prepaid addressed to said person at the address as shown on the Uniform Traffic Ticket.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer [Signature] Identifying Number 13798

Law Enforcement Agency CPD / 006 Date 08 / 05 / 07

00005593 POLICE OFFICER - GIVE TO MOTORIST DSD DC-157.6

**PLAINTIFF'S
EXHIBIT "C"**

**JESSE WHITE
SECRETARY OF STATE
STATE OF ILLINOIS**

**IN THE MATTER OF THE SUSPENSION OF THE
DRIVERS LICENSE AND DRIVING PRIVILEGES
OF THE PETITIONER DESMOND E. JAMES
DRIVER'S LICENSE NUMBER: J520-1657-3015**

FILE NO. C-04891-07

ORDER

WHEREAS, the Petitioner, whose driving privileges were suspended under Section 6-206(a)(31) of the IVC (625 ILCS 5/6-206) as required under Section 11-501.6 of the IVC (625 ILCS 5/11-501.6), effective **OCTOBER 21 , 2007**, requested a hearing to contest the suspension alleging in part that the motor vehicle crash that occurred on **AUGUST 5, 2007**, did not result in death or personal injury, as defined in Section 11-501.6 of the IVC; and,

WHEREAS, Section 11-501.6 of the IVC requires personal injury, as defined therein, or death to have occurred for the Petitioner to be deemed to have given consent to a chemical test(s) of blood, breath or urine; and,

WHEREAS, the traffic crash report indicates that no such personal injury or fatality occurred in relation to the accident in question; and,

WHEREAS, upon **DECEMBER 7, 2007**, a letter from the Secretary of State's Department of Administrative Hearings was forwarded to police officer **T. OATES, Star No. 13798**, of the Chicago, Illinois Police Department, an officer investigating this incident; and,

WHEREAS, the letter requested Officer Oates to submit, within five (5) days of the date of the aforesaid correspondence, "written verification as to whether death or Type A personal injury, as described in 5/11-501.6(g) of the Illinois Vehicle Code, was involved in this accident."; and,

WHEREAS, as late as **DECEMBER 18, 2007**, the requested response was not received by the Illinois Secretary of State;

NOW THEREFORE IT IS HEREBY ORDERED: That the petition to rescind the suspension of the Petitioner's driver's license and driving privileges under Section 6-206(a)(31) of the IVC, entered **OCTOBER 21, 2007**, is **GRANTED**.